

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. ERIC TODD JACKSON**

**Direct Appeal from the Circuit Court for Montgomery County**  
**Nos. 36575, 37554A, 39787, 40216, 40696, 41082B, 40000736 & 7    Michael R. Jones, Judge**

---

**No. M2003-02296-CCA-R3-CD - Filed October 26, 2004**

---

Petitioner has appealed from the trial court's dismissal of his petition requesting coram nobis and habeas corpus relief. The State has filed a motion pursuant to Rule 20, Rules of the Court of Criminal Appeals of Tennessee, for this Court to affirm the judgment of the trial court by memorandum opinion. We grant the motion and affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court**  
**Affirmed Pursuant to Rule 20 of the Tennessee Court of Criminal Appeals**

THOMAS T. WOODALL, J., delivered the opinion of the court, in which DAVID H. WELLES and JERRY L. SMITH, JJ., joined.

Gregory D. Smith, Clarksville, Tennessee (on appeal) and Ken Goble, Clarksville, Tennessee (at trial) for the appellant, Eric Todd Jackson.

Paul G. Summers, Attorney General and Reporter; J. Ross Dyer, Assistant Attorney General; John Wesley Carney, Jr., District Attorney General; and Lance A. Baker, Assistant District Attorney General, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

Petitioner/Appellant, Eric Todd Jackson, filed a pleading in the Circuit Court of Montgomery County styled "Petition for Writ of Error Coram Nobis and/or Writ of Habeas Corpus." This was filed January 13, 2003. In the petition, he attacked convictions for various offenses including felony evading arrest, theft, forgery, kidnapping, aggravated robbery, and aggravated assault, among other offenses, in Montgomery County, Docket Nos. 36575, 37554A, 39787, 40216, 40696, 41082B, 40000736, and 40000737. In his original petition, the grounds for relief were as follows:

(1) He was coerced into entering a guilty plea by trial counsel who promised that Petitioner would go home if the plea was entered;

(2) The guilty pleas were entered under duress from the prosecution by promising or threatening Petitioner with a thirty-two-year sentence in the penitentiary if he exercised his right to a trial by jury;

(3) He agreed to plead guilty to “simple robbery” and not “aggravated robbery” and his plea agreement was not “carried out;”

(4) Exculpatory evidence (not specified) was withheld from him prior to the guilty pleas;

(5) He was the victim of vindictive and selective prosecution;

(6) The trial failed to explain to Petitioner the actual percentage of the sentence he must serve before being eligible for parole, and failed to advise him that his convictions could be used for enhancement purposes in later convictions; and

(7) Due to “cumulative error,” the guilty pleas created a “manifest of injustice.”

He later filed a supplement to his petition stating as grounds for relief that a plea agreement was breached between he and the Montgomery County Sheriff’s Department and that his guilty plea was entered involuntarily due to coercion and/or misadvise [sic] of his trial counsel.

The petition was filed more than one year after the last of the various convictions. The trial court denied the petition following an evidentiary hearing.

On appeal from the dismissal of the petition, Petitioner raises two issues:

(1) The trial court erred by finding that Petitioner was not entitled to coram nobis relief; and

(2) The trial court erred by not granting a continuance to Petitioner when subpoenaed witnesses did not appear pursuant to his request.

Regarding habeas corpus relief, the allegations of the Petition, even if taken as true, do not establish that any of the convictions are void rather than merely voidable. Therefore, habeas corpus relief is not appropriate. *Passarella v. State*, 891 S.W.2d 619, 627 (Tenn. Crim. App. 1994).

Regarding the claim for coram nobis relief, it is well-settled that petitions seeking relief under the writ of error coram nobis must be filed within one year of the date of final judgment unless applying the statute of limitations would violate due process. Tenn. Code Ann. § 27-2-103 (2004); see *Workman v. State*, 41 S.W.3d 100, 103 (Tenn. 2001). Our review of the record reflects that there is no violation of due process in applying the statute of limitations in these cases. Regarding the issue concerning denial of a continuance, we note that the attorney who represented Petitioner at the hearing filed a motion for a continuance on June 13, 2003. The motion does not state the date of the hearing as of the filing of the motion for continuance, and states that one of the three subpoenaed

witnesses would not be able to be in court at the hearing date. It identified the witness as a “prior attorney” for the Petitioner, but did not identify the witness by name. The hearing was held more than two months later on August 22, 2003. The only citation to the transcript of the evidentiary hearing contains no request for a continuance. In fact, Petitioner’s counsel at the evidentiary hearing announced that he was prepared to proceed with the hearing that day.

The judgment was rendered in this matter in a proceeding before the trial court without a jury, and the judgment was not a determination of guilt, and the evidence does not preponderate against the finding of the trial court.

Upon review of this matter, this Court concludes that no error of law requiring a reversal of the judgment of the trial court is apparent on the record.

### **CONCLUSION**

Accordingly, the judgment of the trial court is affirmed.

---

THOMAS T. WOODALL, JUDGE